6084412889

p. 10

PTD/SB/28 (08-03)
Approved for use through 07/31/2008, DMB 0851-0051
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Penerwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION Mirus.016.03.1 In re Application of Jon A. Wolff et al. Application No.: 10/619,778 07/15/2003 Filed: Compositions and Methods For Drug Delivery Using pH Sensitive Molecules For: The owner, Mirus Bio Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 164 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/083,456 filed on  $\frac{02/26/2002}{0}$ , of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for end during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the accord application, as shortened by any terminal discislmer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed. In whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full. statutory term as shortened by any terminal discialmer filed prior to its grant. Chack either box 1 or 2 below, if appropriate. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. The undersigned is an attorney or agent of record. 06/07/2006 Date 06/08/2006 TL0111 00000018 10619778 65.00 OP 02 FC:2814 Kirk Ekena Typed or printed name Terminal disclaimer fee under 37 CFR 1.20(d) la included. WARNING: Information on this form may become public. Credit card information should not be included on this form, Provide credit card information and authorization on PTO-2038. \*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/88/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (end by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is calimated to take 12 minutes to complete, including gathering, preparing, and aubmitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestion for reducing this barden, should be cent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commence, P.O. Box 1450, Alexandria, VA 22313-1450. ADDRESS, SEND TO: Commissioner for Patents, P.D. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option.2.